

No. 14-18-00600-CR

IN THE COURT OF APPEALS  
FOR THE FOURTEENTH DISTRICT OF TEXAS

FILED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS  
1/14/2019 10:25:21 AM  
CHRISTOPHER A. PRINE  
Clerk

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**PHI VAN DO**  
*Appellant*

v.

**THE STATE OF TEXAS**  
*Appellee*

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On Appeal from Cause Number 2130699  
From County Criminal Court at Law No. 10 of Harris County, Texas  
Hon. Dan Spjut, Judge Presiding

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

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ORAL ARGUMENT REQUESTED

**ALEXANDER BUNIN**  
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Harris County, Texas

**TED WOOD**  
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**Counsel for Appellant**

**TO THE HONORABLE FOURTEENTH COURT OF APPEALS OF TEXAS:**

Appellant, Phi Van Do, by and through his counsel, assistant public defender Ted Wood, advances this motion for an extension of time to file his brief. In support of this motion and consistent with Tex. R. App. P. 10.5(b)(1), Appellant presents the following statements:

- (1) The clerk's record in this case was filed on October 15, 2018. The reporter's record in this case was filed on December 18, 2018. Thus, the initial due date for the brief in this case is January 17, 2019.
- (2) Mr. Do requests an extension of 30 days from the above due date which would make the new due date February 16, 2019. Because this date is a Saturday, Mr. Do requests a new due date of Monday, February 18, 2019 to file his brief. This is Mr. Do's first request for an extension of time to file his brief.
- (3) The request for an extension of time is based on the following facts:
  - (a) Undersigned counsel has just completed writing a brief in an appeal in the First Court of Appeals – *Roberto Pacas v. State*, No. 01-18-01016-CR. The brief was filed on January 3, 2019. The State filed its brief on January 9, 2019. Undersigned counsel intends to file a reply brief. The due date for the reply brief is January 29, 2019.
  - (b) Undersigned counsel has just completed writing a lengthy motion for rehearing in an appeal in this Court – *Alfred Moliere v. State*, No. 14-17-00594-CR. The motion was filed on January 10, 2019.
  - (c) Undersigned counsel has just completed writing a petition for discretionary review (PDR) in the case of *Nelson Hernandez v. State*, No. PD-0036-19. The PDR was filed on January 9, 2019.
  - (d) Undersigned counsel has a motion for rehearing due in a case from this court – *Luis Limones v. State*, No. 14-17-00966-CR. The due date is most likely going to be January 17, 2019 – the same due date as in the present

case. This Court has already received one motion for an extension of time to file the motion for rehearing in the *Limonas* case.

(e) Because of the foregoing projects, undersigned counsel has been unable to devote adequate time to writing the brief in the current case.

(4) This request is not made to delay the proceedings, but rather is made to ensure that

Mr. Do receives the very best appellate representation.

WHEREFORE, PREMISES CONSIDERED, Mr. Do prays that this Court permit an extension of time to file his brief until February 18, 2019.

Respectfully submitted,

**ALEXANDER BUNIN**  
Chief Public Defender  
Harris County, Texas

/s/ Ted Wood  
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Counsel for Appellant  
Phi Van Do

**CERTIFICATE OF SERVICE**

Pursuant to Tex. R. App. P. 9.5, undersigned counsel certifies that on January 14, 2019, a copy of this motion was provided to the Harris County District Attorney via the EFILETEXAS.gov e-filing system.

/s/ Ted Wood  
**Ted Wood**  
Assistant Public Defender  
Attorney for Petitioner